

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

DONALD R. GEBERS, D.O., RESPONDENT

No. 03-98-155

SETTLEMENT AGREEMENT and FINAL ORDER

COMES NOW the Iowa Board of Medical Examiners (the Board), and Donald R. Gebers, D.O., (Respondent), on April 3, 2003, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4), and enter into this Settlement Agreement and Final Order to resolve the contested case currently on file.

1. Respondent was issued license number 02764 to practice medicine and surgery in Iowa on December 3, 1992.
2. Respondent's Iowa medical license expired due to non-renewal on October 1, 1998.
3. A Statement of Charges and Order of Summary Suspension were filed against Respondent on June 19, 1998, and are awaiting hearing.
4. The Board has jurisdiction over the parties and subject matter.
5. Upon the Board's approval of this Settlement Agreement and Final Order, Respondent's Iowa medical license shall be **indefinitely suspended**.

6. The Board will consider reinstatement of Respondent's Iowa medical license upon a motion for reinstatement and a reinstatement hearing pursuant to Iowa Code chapters 17A, 147, 148 and 272C and 653 IAC 12.40.

7. This Settlement Agreement and Final Order constitutes the resolution of a contested case proceeding.

8. In the event Respondent violates or fails to comply with any of the terms or conditions of this Settlement Agreement and Final Order, the Board may initiate action to revoke Respondent's Iowa medical license or to impose other license discipline as authorized in Iowa Code Chapters 148 and 272 and 653 IAC 12.2.

9. By entering into this Settlement Agreement and Final Order, Respondent voluntarily waives any rights to a contested case hearing on the allegations contained in the Statement of Charges, and waives any objections to the terms of this Settlement Agreement.

10. This Settlement Agreement and Final Order, is voluntarily submitted by the Respondent to the Board for consideration.

11. This Settlement Agreement and Final Order, is subject to approval of the Board. If the Board fails to approve this Settlement Agreement and Final Order, it shall be of no force or effect to either party.

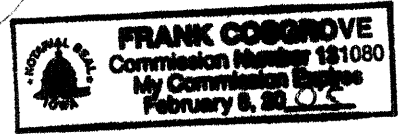
12. The Board's approval of this Settlement Agreement and Final Order shall constitute a **Final Order** of the Board.

Donald R. Gebers D.O.
Donald R. Gebers, D.O., Respondent

Subscribed and sworn to before me on 2/6/, 2003. By DONALD R. GEBENS

Notary Public, State of IOWA

Frank Cogrove



This Settlement Agreement and Final Order is approved by the Board on

April / 3, 2003.

Dale R. Holdiman MD

Dale R. Holdiman, M.D., Chairperson
Iowa Board of Medical Examiners
400 SW 8th Street, Suite C
Des Moines, IA 50309-4686

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

DONALD R. GEBERS, DO, RESPONDENT

No. 03-98-155

ORDER OF SUMMARY SUSPENSION AND ORDER FOR HEARING

[Combined]

NOW ON June 19, 1998, the Iowa Board of Medical Examiners
(the Board), having been presented with evidence which established probable
cause to believe that Donald R. Gebers, DO, (the Respondent), is unable to
practice osteopathic medicine and surgery with reasonable skill and safety as
alleged in a Statement of Charges, FOUND that the Respondent's diversion of
drugs, habitual use of and addiction to drugs and failure to successfully complete
substance abuse evaluation as ordered by the Board constitutes an immediate
threat to the public health, safety and welfare:

IT IS HEREBY ORDERED that, until further order of the Board,
pursuant to the provisions of section 17A.18(3) of the 1997 Code of Iowa, the
Respondent's license to practice osteopathic medicine and surgery, number
02764, issued May 5, 1994, is hereby summarily suspended. A hearing on the
summary suspension is set for 9:00 a.m. on July 16, 1998.

The hearing will held in a conference room at the Four Points Hotel & Suites,
4800 Merle Hay Road, Des Moines, Iowa.

IT IS FURTHER ORDERED that the license suspension as outlined herein
shall become effective immediately upon service of a copy of this order on the
Respondent. Service of the within order shall be by U. S. restricted certified mail,
return receipt requested, or in the manner of service of an Original Notice.

IOWA BOARD OF MEDICAL EXAMINERS

Dale R. Holdiman MD
Dale R. Holdiman, MD, Chairperson

June 19, 1998
Date

BEFORE THE BOARD OF MEDICAL EXAMINERS OF THE STATE OF IOWA

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

DONALD R. GEBERS, DO, RESPONDENT

No. 03-98-155

COMES NOW Ann M. Martino, Ph.D., Executive Director of the Iowa Board of Medical Examiners (the Board), on June 19, 1998, and at the direction of the Board, files this Statement of Charges against Donald R. Gebers , DO, (the Respondent), a physician licensed pursuant to Chapter 147 of the Code of Iowa and alleges:

STATEMENT OF CHARGES

1. The Respondent was issued license number 02764 to practice medicine and surgery in Iowa on December 3, 1992. The license is valid and will next expire on October 1, 1998.
2. The Board has jurisdiction in this matter pursuant to Iowa Code Chapters 147, 148 and 272C.

COUNT I

3. The Respondent is charged under Iowa Code section 148.6(2)(h) (1997) and 653 Iowa Administrative Code section 12.4(14) with the inability to practice medicine and surgery with reasonable skill and safety due to the excessive use of drugs.

COUNT II

4. The Respondent is charged under Iowa Code sections 147.55(4) and 272C.10(4) (1997) and 653 Iowa Administrative Code Section 12.4(4), with addiction to the use of drugs.

COUNT III

5. The Respondent is charged under Iowa Code sections 148.6(2)(i) with wilfully or repeatedly violating a Board rule when he indiscriminately or promiscuously prescribed a drug for other than a lawful purpose, in violation of 653 Iowa Administrative Code section 12.4(19).

COUNT IV

6. The Respondent is charged under Iowa Code section 148.6 (2) (c) (1997) with violating a law of this state which relates to the practice of medicine when he on numerous occasions failed to comply with the provisions of Iowa Code Chapter 124.306 (1997) relating to the administration, dispensing, and prescribing of controlled substances.

COUNT V

7. The Respondent charged under Iowa Code section 148.6 (2) (a) (1997) and 653 IAC section 12.4 (3) (a) with knowingly making misleading, deceptive, untrue or fraudulent representations in the practice of medicine.

CIRCUMSTANCES

8. That the Respondent on numerous occasions prescribed Demerol to patients, personally picked up the medication at the pharmacy, and took the medication back to his office for administration. Demerol is a schedule II controlled substance. This is not standard practice for the administration of medication.

9. That a March 25, 1998, Drug Enforcement Administration audit of the Respondent's medical practice indicates that between January 1, and February 17, 1998, the Respondent wrote prescriptions to numerous patients for 11,450 mg. of Demerol.

10 That 5,450 mg. of the prescribed Demerol can not be accounted for by the Respondent.

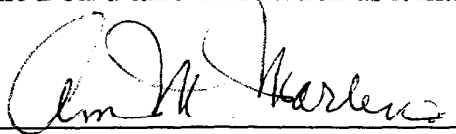
11. That the Respondent has documented the administration of the remaining 6000 mg. ⁱ~~n~~ the medical records of numerous patients. Many of those patients have stated they did ^{not} receive all the Demerol documented in their medical records as having been administered to them.

12. That the Respondent cannot adequately explain the discrepancies between the prescriptions, patient charts and the patient recollections.

13. That on May 1, 1998, the Respondent was interviewed and appeared to have bruising on both inner elbows and swollen hands.

14. That the Board has received several complaints pertaining to the quality of medical care provided by the Respondent to numerous patients.

WHEREFORE, the Complainant prays that a hearing be held in this matter and that the Board take such action as it may deem appropriate under the law.

A handwritten signature in cursive script, appearing to read "Ann M. Martino", is written over a horizontal line.

ANN M. MARTINO, Ph.D

Executive Director
Iowa Board of Medical Examiners
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